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7 UNITED STATES OF AMERICA

8 DISTRICT OF NEVADA

9 ALEX MANESSIS.,

2:18-cv-00191-JCM-GWF

10 Plaintiff,

11 vs.

12 [JOINT PROPOSED]
13 DISCOVERY PLAN AND
14 AMENDED SCHEDULING ORDER

15 MIDLAND CREDIT MANAGEMENT,
16 INC., MIDLAND FUNDING LLC AND
17 ENCORE CAPITAL GROUP, INC.

18 Defendant.

19 Plaintiff Alex Manessis (“Plaintiff”), by and through his attorney Craig K. Perry & Associates,
20 and Defendant Midland Credit Management, Inc, Midland Funding LLC and Encore Capital Group,
21 Inc. (“MCM”), by and through their attorney NAYLOR & BRASTER. Pursuant to the Court’s Order
22 of June 22, 2018 (ECF NO 14 and Local Rule 16-1, hereby propose the following discovery plan and
23 amended scheduling order:

24 I. Procedural History

25 1. Plaintiff commenced this action on February 2, 2018. (ECF No.1).
26 2. MCM filed its Answer to the Complaint on May 7, 2018 (ECF No. 15).
27 3. On June 22, 2018, A Stipulated Discovery Plan and Scheduling Order was filed, (ECF
28 No. 18).

II. The Scope of Discovery Remaining

Plaintiff propounded interrogatories and requests for production to the Defendant on July 18, 2018. Counsel for Defendant requested an extension to answer, and has requested a second extension, for two good reasons. First, Plaintiff made lengthy requests for production, which understandably take additional time. Second, counsel for Plaintiff and Defendant have been discussing the merits of the case and the possibility of an amicable resolution. Within the context of these discussions, Defendant has informally produced some documentation that will be part of the formal responses to discovery, all in an effort to seek early resolution of the case without the necessity of protracted litigation.

Presently, therefore, Plaintiff remains unable to designate or retain an expert until the discovery has been received by the Defendant; neither can the Defendant retain and designate a rebuttal expert until the Plaintiff has so designated.

Counsel Plaintiff and Defendant jointly advise the court that settlement discussions have been fruitful, and they are presently engaged in seeking a speedy resolution of the case.

Accordingly, counsel for the parties make this first request to extend the discovery plan and enter a revised scheduling order as follows:

1. Discovery Plan: Discovery will be needed concerning the allegations in the Complaint.

a. **Discovery Cut-Off Date LR 26-1(e)(1):** All discovery shall be completed by March 4, 2019.

b. Fed. R. Civ. P. 26(a)(2) Expert Disclosures (LR 26-1(e)(3)): Disclosure of experts shall proceed according to Fed R. Civ. P. 26(a)(2) except that, pursuant to Local Rule 26-1(e)(3):

- i. The disclosure of the parties' initial experts and expert reports shall occur on January 2, 2019, which is 60 days prior to the close of discovery, and;

- ii. The disclosure of the parties' rebuttal experts and expert reports shall occur on February 4, 2019, which is 34 days after the parties' disclosure of initial experts.

2. **Amending the Pleadings and Adding Parties (LR 26-1(e)(2)):** The parties shall have until December 3, 2018 to file any motions to amend the pleadings or add parties, which is 90 days before the discovery cut-off date.
3. **Dispositive Motions (LR 26-1(c)(4)):** The parties shall have until April 2, 2019 to file dispositive motions, which is 30 days after the completion of discovery.
4. **Pretrial Order (LR 26-01(e)(5)-(6)):** The joint pretrial order shall be filed by May 2, 2019, which is not more than 30 days after the date set for filing dispositive motions in this case. If the dispositive motions are filed, the date for filing the joint pretrial order shall be suspended by thirty (30) days after the decision on the dispositive motions or by further order of the Court. The disclosures required by Fed R. Civ. P. 26(a)(3) shall be included in the joint pretrial order.

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